

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**  
**DAVID ROBERTS,**

**Plaintiff,**

**9:18-cv-1434  
(GLS/DJS)**

**v.**

**DONNA JULIANO et al.,**

**Defendants.**

**APPEARANCES:**

**OF COUNSEL:**

**FOR THE PLAINTIFF:**

David Roberts  
*Pro Se*  
15-A-4933  
Eastern NY Correctional Facility  
Box 338  
Napanoch, NY 12458

**FOR THE DEFENDANTS;**

Murphy Burns LLP  
407 Albany Shaker Road  
Loudonville, NY 12211

THOMAS K. MURPHY, ESQ.

**Gary L. Sharpe  
Senior District Judge**

**ORDER**

The above-captioned matter comes to this court following an Report-Recommendation and Order (R&R) by Magistrate Judge Christian F. Hummel duly filed on July 20, 2020. (Dkt. No. 25.) Following fourteen days from the service thereof, the Clerk has sent the file, including any and all objections

filed by the parties herein.

No objections having been filed, and the court having reviewed the R&R for clear error, it is hereby

**ORDERED** that the Report-Recommendation and Order (Dkt. No. 25) is **ADOPTED** in its entirety; and it is further

**ORDERED** that defendants' motion to dismiss (Dkt. No. 19) is **GRANTED IN PART** and **DENIED IN PART** as follows:

**GRANTED** with respect to all claims against defendant Donna Juliano; and

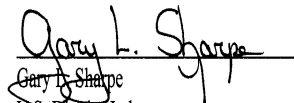
**DENIED** with respect to all claims against defendant Amy VanAlstyne; and it is further

**ORDERED** that the Clerk shall **TERMINATE** Juliano from the docket; and it is further

**ORDERED** that the Clerk provide a copy of this Order to the parties in accordance with the Local Rules of Practice.

**IT IS SO ORDERED.**

August 14, 2020  
Albany, New York

  
Gary L. Sharpe  
U.S. District Judge